K 1950

File No. Lg. Asstt. Hill Tribes/50

Legal Department

C **BRANCH**

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Subject:— Correspondence relating to Grant of Legal Assistance to the members of Aboriginal and Hill Tribes

File No. Lg. Asstt. Hill Tribes/1950

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Legal Department.
1412/24-1-1950.

The scheme of granting legal assistance to the members of the Aboriginal and Hill Tribes was introduced in the year 1941-42 and is being continued year after year. The scheme has been continued in the year 1949-50 in the seven districts of East Khandesh, West Khandesh, Nasik, Broach, Panch Mahals, Thana and Kolaba, vide J.R., L.D. No. 11063, dated 4-10-1949.

2. The rules for the grant of legal assistance to the members of the Aboriginal and Hill Tribes have been printed as an accompaniment to G.R.L.D. No. 3640, dated 24-4-1941. Under those rules the Magistrate before whom criminal proceedings are pending can appoint a pleader to appear on behalf of a member or members of the Aboriginal and Hill Tribes against whom such proceedings are instituted.

3. In the present case, however, the proceedings are pending before the 3rd Class Magistrate, Satana. The date of hearing has been fixed on 31-1-1950. The pps. may therefore be passed on to the H.D. with a request to issue instructions to the 3rd Class Magistrate, Satana, to issue orders granting legal assistance to the accused Bhils under the provisions of G.R.L.D. No. 11063, dated 4-10-1949 and rules printed as an accompaniment to G.R.L.D. No. 3640, dated 24-4-1941.

Sd/- 24/1/50.

A.S. (Hr. M). Id/- 24/1

U.R. to H.D., No. 1149, dated 24-1-1950.

MR
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KSR
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Legal Department.

In this case the eight Bhils have been charged with the offence of theft. Under Rule 2(1) of the Rules for the grant of Legal Assistance to the members of the Aboriginal and Hill Tribes printed as an accompaniment to Government Resolution, L.D. No. 3640, dated the 24th April 1941, legal assistance in criminal proceedings can be granted only in two cases viz. (1) where the proceedings are disguised Civil proceedings or (2) where they are intended to intimidate him. In either case the person concerned must apply for legal assistance to the Bhil Special Officer if there by any, or to the Mamlatdar of the Taluka where he resides. The applicant may, therefore, be directed to instruct the Bhils concerned to make an application for the grant of legal assistance to the Bhil Special Officer, if there be any, or to the Mamlatdar of the Taluka where they reside, as laid down in Rule 2(1) referred to above.

Sd/-

for Secretary to Government,
Legal Department.

U.R. to E.D. No. 1292, dated 28th January 1950.

EVV. 31/7.

Bombay Agricultural Debtors Relief Act, 1947.
Government Pleaders
Assistance of, to agricultural debtors in appellate cases under -

Government of Bombay,
Development Department,
Resolution No. 1121,
Bombay Castle, 22nd May 1950.

Letter from the District Judge, Panch Mahals No. 1338 dated the 20th October 1949, to Government in the Revenue Department.

Letter from the Registrar, High Court, Appellate Side, Bombay, No. 2261/49, dated the 3rd December 1949.

Resolution:- Government is pleased to prescribe the following procedure and conditions in the matter of grant of legal assistance in the whole of this State to the illiterate and backward class agricultural debtors in filing their appeals under the Bombay Agricultural Debtors Relief Act, 1947, in the Appellate Courts:-

1) On receipt of the notice of appeal under rule 13 of the rules under Order XLI of Schedule I to the Civil Procedure Code, the Civil Court should call upon the debtor to state whether he wants to engage his own pleader or whether he wants assistance of the Government pleader.

2) If the debtor requires the assistance of the Government pleader, the Civil Court should communicate that fact to the Appellate Court and request it to issue notice to the Government Pleader. The Court should at the same time instruct the Government Pleader to appear before the appellate Court on behalf of the debtor on the date fixed for the hearing of the appeal.

3) In case the debtor engages his own pleader the assistances of the Government Pleader need not be given.

4) In all cases in which the assistance of the Government Pleader is given to the debtor, an agreement in writing should be taken from the debtor that any sum recovered by him from the other party as costs shall be paid by him to Government in reimbursement of the costs incurred by it and only the balance, if any, remaining thereafter shall be retained by him.

5) The fees to be paid to the Government Pleader appointed as above, shall not, save with the sanction of Government, exceed the fees admissible ti him under the Law Officers (Conditions of Service) Rules, 1939.

6) In cases in which legal assistance is granted as above, all expenses incurred in the proceedings including cost of court fees, if any, should, subject to condition (4) above, be borne by Government.

7) Every bill of fees and other expenses incurred should be submitted by the Government Pleader for the countersignature of the Secretary to the Government of Bombay, Development, Department, through the Civil Court and District Court.

8 . .....

3) The order authorising the Government Pleader to appear in the case, together with a certificate from the Court as to the accuracy of the dates for which the fees are claimed and a copy of the Court(s decree, should be sent along with the bill. Government may call for such other information or documents as may be considered necessary to enable it to determine whether the amount claimed in the bill is correct and proper.

9) If the Secretary to Government, Development, Department, is satisfied that the bill is in order, he shall countersign it and return it to the Government Pleader concerned who shall then present it at the treasury for payment.

2. Aboriginal and hill tribes are included in the term "Backward Classes".

3. The cost on account of the legal assistance should be debited to the head "42-Co-operation G-Post War Reconstruction and Development Programme".

By order of the Governor of Bombay,

D.S. JOSHI,

Secretary to Government.

To

The Commissioners of Divisions and other Officers.

EVY. 31/7.

No. CO/I/34
Poona, 20th June 1950.

To

The Secretary to Government,
Legal Department, Bombay.

Subject:- Legal assistance
Grant of- to the members of the
Aboriginal and Hill Tribes.

Reference Government of India Order No. CO 9 of 26th January 1950 specifying Scheduled areas in Bombay State under the new Constitution, reproduced in Part - IV-C of the Bombay Government Gazette dated the 14th February 1950 page 82(207).

2. Government introduced a scheme for granting legal assistance to the Aboriginal and Hill Tribes as an experimental measure for one year beginning from 1st April 1951, in two districts viz., West Khandesh and Broach and Panchmahals. This scheme was later extended to three more districts viz. East Khandesh, Nasik and Thana and the period is also extended year by year. At present legal assistance is available to the members of the Aboriginal and Hill Tribes in the districts (including the areas merged) of East Khandesh, West Khandesh, Nasik, Broach, Panchmahals, Thana and Kolaba in accordance with the rules specially prescribed in this behalf by Government (vide Govt. letter, Legal Department, No. 6961 of 23rd May 1950).

Under the Government of India Order referred to above the districts of Dangs, Surat, Baroda and Sabarkantha contain the scheduled areas as shown below:-

(i) Whole of Dangs District.

(ii) Dharampur, Vijara, Bansda and Gongadh talukas and the villages in the Vankal Tappa and Nanchal areas of the Mangrol taluka in Surat District.

(iii) Chhota Udepur Taluka and the villages of Gad-Boriad Estate of Naswai Taluka in Baroda District.

(iv) Khedbrahma, Bhiloda and Meghraj talukas and Vijayanagar Mahal in Sabarkantha District.

The Aboriginal and Hill Tribes residing in the above arreas are also in need of all measures for their improvement that are now taken up in respect of Aboriginal and Hill Tribes of other Districts viz., West Khandesh, East Khandesh & c. It is therefore necessary to extend the scheme for granting legal assistance to these people also. I would, therefore, request you kindly to move Government for the extension of the scheme for granting legal assistance to the Aboriginal and Hill Tribes to the Scheduled Areas (referred to above) of the Districts of Dangs, Surat, Baroda &c and Sabarkantha.

Sd/-

(M.N. Noble)

Backward Class Officer
State of Bombay, Poona

WW. 31/7.

Submitted.

Please see the letter from the Backward Class Officer at pp. 1-2 ante. He recommends that the Scheme of granting legal assistance to the members of the Aboriginal and Hill Tribes may be extended to the District of ~~Dang~~ Dangs and certain other talukas and villages in the Surat, Baroda and the Sabarkantha Districts.

2. As has already been pointed out by the B.C.O. in his letter, the scheme of granting legal assistance to Aboriginal and Hill Tribes is at present in force in the seven districts of E. Khandesh, W. Khandesh, Nasik, ~~Surat~~ Broach, P. Ms, Thana and Kolaba only. Govt. is, however, considering the question of granting legal assistance to poor persons or person with limited means. Seperately Pending a decision is reached on the recommendations of the L.A.C. The qeustion of extending the facilities to the arreas recommended by the B.C.O. may be deferred for the present.

Id/-
26/6

S.S. Id/- 30/6
A.S.

It will still take some ~~time~~ before the measure implementing the recommendations of the legal Aid Committe will be enacted and brought into force. The proposal of the Backward Class Officer may be accpeted.

Id/- 1/7/50
Secy. The extenssions with the scope of the recommendations made by the committee, and the --------

The Committee has given first priority to this item of legal aid. Without waiting for the implementation of the other recommendations we may therefore, support this proposal. Secretary R.D. may please see.

Id/-

1/7.

See F.D. No. 9117 dated 3/7/50.

Finance Dept.(M Br.)

Submitted with ref. to Secretary's note above.

2. The information regardint the addl. cost likely to be is not available in these papers. The Legal Deptt. may be requested to furnish the same.

Id/-x8 7/7.

U.R. to Legal Deptt. dated 7-7-50.

EVI. 31/7.

Legal Department.

Submitted with reference to Secy. F.D.'s note overleaf.

The expenditure incurred during the last three years of the grant of legal assistance to the aboriginal and hill tribes is as follows:-

1947-48 Rs. 3916/13/10

1948-49 Rs. 844/ 4/ 6

1949-50 Rs. 452/10/-

as against the sanctioned grant of Rs. 1000/-. During the current financial year the expenditure till date has come to Rs. 416-11-6. Since the expenditure is such cases depends on the number of cases in which legal assistance is sanctioned it would not be possible to give correct estimate of the additional expenditure on this account if the scheme is extended to the areas mentioned in the B.C.O's letter on pages 1-2 ante. However additional amount of Rs. 500/- may perhaps be suggested.

Id/- 13/7

S.S. Id/- 14/7

A.S. Id/- 14/7/50

Secy. There is a large concentration of the scheduled Tribes population in these areas. We may want at least Rs. 1000 more.

Sd/-

Remembrancer of Legal Affairs.

U.R. to F.D. No. 10091, dated 18th July 1950.

EVY.

Finance Deptt. (K ...,

Submitted with reference to the Office note dated 4-7-50.

2. The proposal in the Secy. L.D:xx note d. 1-7-50 may be agreed to.

Id/- 19-7-50

It is presumed that the addl. expdre, involved can be met from the sanctioned grants.

Sd/- 9/8

U.R. to Legal Deptt. dt. 9-8-50.

EVY. 31/7.

Legal Department.

Submitted.

The F.D. has now agreed to the proposal of the Backward Class Officer to the extension of the scheme of granting legal assistance to the members of the aboriginal and hill Tribes to the Districts of Dangs, Surat, Baroda and Sabarkantha. Before issue of the orders the papers may be submitted to Govt.

2. It is not possible to say at this stage whether the expenditure could be met from the sanctioned grants. The point will be considered separately at the time of framing 8 monthly and 9 monthly estimates.

Id.- 17/8

S.S. Id/- 18/8

A.S.

S^ecy. Id/- 19.8

EVY. 31/7.

Legal Resistance.

Grant of - to members of the Aboriginal and Hill Tribes.

GOVERNMENT OF BOMBAY,
Legal Department.
Resolution No. 12493

Bombay Castle, 31st August 1950.

Read Governmenr Resolution No. 3640, dated the 4th April 1941.

Read Government Resolution No. 2812, dated the 31st March 1942.

Read Government Resolution No. 8880, dated the 16th December 1946.

Read Government Resolution No. 2397, dated the 29th March 1946.

Read Government Resolution No. 826, dated the 23rd January 1947.

Read Government Resolution No. 10144, dated the ~~23rd~~ 29th October 1948.

Read Government Resolution No. 11063, dated the 4th October 1949.

Resolution:- Government is pleased to direct that the scheme of granting legal assistance to members of Aboriginal and Hill Tribes should be continued during the year 1950-51 in the seven districts of East Khandesh West Khandesh, Nasik, Broach, Panch Mahals, Thana and Kolaba and should also be extended to four more districts viz. Dangs, Surat, Baroda and Sabarkantha.

2. The charge should be met from the provision made in the current year's budget under "27-Administration of Justice B-Law Officers-B-2 mofussil Establishment

B-2(3) Allowance, Honoraria, etc."

By order of the Governor of Bombay,

Sd/- (P.M. Lad,)

Secretary to Government.

To

All the Departments of the Secretariat
(except the Separate Department) and

other Officers.

AMELIORATION OF THE BACKWARD CLASSES

Translation of orders issued for in regional languages.

GOVERNMENT OF BOMBAY,
Education Department,
Circular No. 8554,
Bombay Castle, 1st November 1950.

CIRCULAR OF GOVERNMENT.

Government has decided that all important Government Resolutions, Circulars, Orders and Publications which have a bearing on the welfare of the Backward Classes as such should be printed in regional languages and made available to the members of the Backward Classes freely. All Secretariat Departments are accordingly requested to sent immediately to the Oriental Translator copies of important orders issued by them in this respect for translation in the different regional languages of the State. The Oriental Translator is requested to arrange to get these Orders translated in the regional languages and furnish the translated versions to the Manager, Government Central Press, Bombay who should be requested to get them printed and furnish 50 printed copies each to the Administrative Department concerned, 10 copies to the Education Department and 2500 copies each to the Backward Class Officer.

By order of the Governor of Bombay,

Sd/-

N.B. Rangnekar,

Under Secretary to Government.

To

The Backward Class Officer,

The Superintendent, Government Printing and Stationery Department,

The Manager, Government Central Press, Bombay,

All Secretariat Departments(except the separate Deptt).

Legal Department.
20482/8-11-50.

Submitted with reference to the E.D. Circular at p 1 ante.

2. L.D. is not are administrative Deptt. and as such has not issued any resolutions, orders etc. which have bearing on the werlfare of the backward classes. As regards Bill and Acts they are invariably translated into all the recognized languages and it is for the Ad. Deptt. concerned to make the translation of any legislation which have bearing on the welfare of the backward classes avaialable freely to the backward class members. As regards the member of copies of Bill to be printed, this Deptt issues orders only on the receipt of instructions in that behalf from the Ad. Deptt. concerned.

3. No action appears to be necessary on the circular in B Branch.

(Through A.C.D.E.G.)

Id/- 16-11-50.

S S Id/- 17/11

No action may so far as 'A' Branch is concerned.

D.T.O.

Submitted.

It seems disirable to send copies of the following three G.R.'s to the O.T. for transaltion in the different regional languages of the State:-

G.R.L.D. No. 3640, dt. 24-4-41
" " No. 3149 dt. 11-4-42
No. 12493 dt. 31-8-50

Id/-
24-11-50.

Further action may be taken.
by 'C' Branch under the orders A.S. (Adn)

Id/- 27/11.

EVY. 31/7.

No. 17077

Legal Department,

Bombay Castle (Bombay No. 1), 2nd December 1950.

Subject: Translation of orders issued for amelioration of the Backward Classes in regional languages.

MEMORANDUM:

The undersigned presents compliments to the Oriental Translator to Government and in compliance with Government Circular, in the Education Department No. 8554, dated the 1st November 1950, on the above subject, is directed to forward herewith copies of

G.R.L.D No. 3640, dated 24-4-41 G.R.L.D.No. 3149, dated 11-4-42. G.R.L.D.No. 12493, dated 31-8-50.	important L.D. Resolutions referred to in

the margin relating to the welfare of the Backward Classes, for being translated in regional languages.

By order of the Governor of Bombay

Id/-

Assistant Secretary to Government.

No. 17078
Legal Department,
Bombay Castle (Bombay No. 1), 2nd December 1950.

Copy forwarded to the Education Department, for information.

By order of the Governor of Bombay,

Id/-

Assistant Secretary to Government.

EVV. 31/7